THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.27219 of 2007

(DATED: 20-12-2007)

Between:

Guthula Satyavathi W/o Satyanarayana
Occ: Agriculture R/o 15-5-117, Vanamdas Gadda
Ramavaram village and Post
Kothagudem Mandal, Khammam District.

…Petitioner

A n d

The Special Deputy Collector (TW)
Bhadrachalam, Khammam District and others

….Respondents

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. In this writ petition, the petitioner is questioning the inaction on the part of the second respondent in not passing orders neither in the appeal nor in the stay petition dated 17.11.2007, which were filed by the petitioner against the orders of eviction passed by the first respondent dated 3.8.2007 in L.T.R.Case No.219/2007/KGM.

3. The petitioner claims to be the owner and possessor of the land admeasuring Ac.1-32 guntas in Survey No.7 situate at Ramavaram village, Kothagudem Mandal, Khammam District. It is stated that the said land was purchased on 17.3.1968 from the earlier owner and possessor by name Boddu Venkata Nageswaramma, who is a non-tribal. However, on the ground that the transfer of the land in favour of the petitioner and her possession over the said land was in contravention of the provisions of Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 ("Regulation", in short), the first respondent-Special Deputy Collector, Tribal Welfare, Bhadrachalam, by his order dated 3.9.2007, passed order of eviction and ordered to take said land into government custody.

4. As against the said order, it is stated that the petitioner has preferred an appeal along with an application for stay before the

second respondent-appellate authority, i.e., Additional Agent to Government, Bhadrachalam on 17.11.2007. It is the grievance of the petitioner that the appellate authority has not passed any orders in the said proceedings. But, however, the respondents are taking steps for eviction of the petitioner.

5. It is the case of the petitioner that the land was purchased prior to the Regulation coming into force. Such transfer was not in contravention of the provisions of Act 1 of 1959, as amended by Act 1 of 1970. It is also stated that in the earlier round of litigation, proceedings were initiated on the application of the very same person by name Lakavath Lal Singh and orders were passed stating that the transfer of land in favour of the petitioner was not in contravention of the Regulation. It is stated that even without any such power of review and in spite of the fact that earlier order has become final, further order of eviction was passed.

6. In view of the pendency of the appeal, it is for the petitioners to agitate those grounds before the appellate authority, in the appeal, which is pending consideration before the second respondent. Inasmuch as the land in possession was purchased in the year 1968 and since then, it is in continuous and uninterrupted possession of the petitioner and further in view of the pendency of the appeal filed by the petitioner before the second respondent, I deem it appropriate to direct the second respondent-appellate authority to decide the appeal as expeditiously as possible. There shall be a further direction to the respondents that till disposal of the appeal by the second respondent, the eviction orders passed by the first respondent-Special Deputy Collector (TW), Bhadrachalam shall not be enforced and the petitioner shall be allowed to continue in possession of the land till disposal of

the appeal.

7. Subject to the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

R.SUBHASH REDDY, J

20-12-2007
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